

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO**

| | | |
|----------------------------------|---|--------------------------------|
| UNITED STATES OF AMERICA, |) | CASE NO. 5:98 CR 389 |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | Judge Peter C. Economus |
| |) | |
| AUNDRA LIDGE, |) | |
| |) | |
| Defendant. |) | <u>ORDER</u> |

On April 24, 1999, this Court sentenced the Defendant to 95 months imprisonment, followed by 8 years supervised release, for distribution of cocaine base, and possession with intent to distribute cocaine, in violation of 21 U.S.C. § 841 (a)(1) and (b)(1)(B).

On May 10, 2007, the Defendant's probation officer submitted a violation report alleging four violations of the terms of supervised release:

1 - New Law Violation - On May 3, 2007, the offender was arrested by the Akron Police Department Street Narcotics Unit (SNUD) and charged with Trafficking in Cocaine (F-1), Possession of Crack Cocaine (F-2), and Possession of Cocaine (F-4).

2 - Failure to Report Contact with Law Enforcement within 72 Hours - Since his arrest on May 3, 2007, the offender has yet to notify the U.S. Probation Office of his conduct.

3 - Associating with Persons with Felony Conviction - On May 3, 2007, the offender was arrested along with Allen Grier, who is a convicted felon.

4 - Unauthorized Use of Drugs - On April 21, 2007, the offender submitted a urine specimen which tested positive for marijuana and was confirmed by Kroll Laboratories on May 1, 2007.

On August 21, 2007, the Defendant's probation officer submitted a Supplemental Information Report stating that on August 13, 2007, the Defendant pled guilty to possession of cocaine, and

Judge Patricia Cosgrove sentenced him to one year imprisonment followed by three years post-release control.

On the Court's referral, Magistrate Judge George J. Limbert held a hearing to determine whether the Defendant violated the terms of his supervised release. The Defendant admitted that he had committed the alleged violations. (Dkt. # 31) at 2. On September 11, 2007, the Magistrate Judge issued a Report and Recommendation recommending that the Court find that the Defendant violated the terms of his supervised release. Id. There were no objections to the Report and Recommendation.

On September 18, 2007, the Court held a hearing and **ADOPTED** the Magistrate Judge's Report and Recommendation.

The Court has considered the statutory maximum sentence of 5 years, pursuant to 18 U.S.C. § 3583(e)(3), as the Defendant's underlying conviction is for a Class A felony. The Court has also considered the advisory policy statements set forth in Chapter Seven of the United States Sentencing Guidelines prior to imposing sentence. The guideline range is 6-12 months pursuant to U.S.S.G. § 7B1.4(a), as the new law conviction is a Grade C violation. Furthermore, the Court has considered the factors for sentencing listed in 18 U.S.C. § 3553(a) and 3583(d).

Based on this Court's review of all relevant factors, the Court hereby orders that the Defendant's supervised release is **REVOKED**, and the Defendant is committed to the custody of the Bureau of Prisons for 6 months. The Defendant's supervised release is hereby **TERMINATED**.

IT IS SO ORDERED.

/s/ Peter C. Economus – September 18, 2007
PETER C. ECONOMUS
UNITED STATES DISTRICT JUDGE